

# Conditional Use Analysis

January 14, 2009

## Application

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C-61-2008

Farley Eskelson, Dominion Engineering

Regarding McDonalds new site layout due to 3500 South Road Widening

3464 West 3500 South

General Commercial (C-2) zone, 0.95 acres

Staff Presentation by Hannah Thiel, Planner I

## Background

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Farley Eskelson with Dominion Engineering is requesting a conditional use amendment for a new site layout located at 3464 West 3500 South. A conditional use was initially approved for this location in 1981 for McDonald's at its current location. This application is an amendment to the initial conditional use permit as 3500 South is being widened and traffic exiting or entering McDonalds will no longer be able to turn left, in or out of the establishment. A fast food establishment is a conditional use in the 'C-2' or general commercial zone. McDonalds occupies 0.95 acres of land. The General Plan designates this property as General Commercial or Medium Density.

The applicant is proposing a drive isle in the front setback to better facilitate traffic on site due to the road widening on 3500 South. Currently, a play structure is located in the front setback, which will be removed upon construction of the drive isle. The property will be losing two parking spaces due to the 3500 South road widening and new configuration of the site. There are currently 50 parking spaces on site and the new site would accommodate 48 spaces. This fast food restaurant requires a minimum of 36 spaces on site. The applicant will actually increase the site's landscaping by approximately 400 square feet. However, no landscape plan has been submitted to know exactly what type of plant material will be used. The Planning Commission indicated during the Study Session meeting on January 7, 2009 that they would like to see and review the plans for landscaping. There is currently a masonry wall along the north property line of this site, bordering the school. There is currently a pole sign located on the property. As the pole sign is not proposed to be moved or altered, the City Ordinance does not require the nonconforming pole sign to be removed. As a private drive isle is proposed adjacent to the sign, the pole sign is required to maintain a minimum of 14 feet of clearance to the bottom of the sign face.

Recently, the Planning Commission reviewed a similar site plan for Arby's on 3500 South. At that location, the City Traffic Engineer indicated the importance of closing one of the access ways into the site. The City Traffic Engineer reviewed the McDonald's site plan and indicated that it would not be necessary to close either access into the site along 3500 South. The difference between the sites is that Arby's customers would need to turn very quickly *into* the fairly busy intersection of 3500 South and 3200 West, where McDonald's customers would turn right *away* from the less busy intersection of 3500 South and 3450 West. Utah Department of Transportation was notified of this application but has not yet responded to the request for comments from staff. It is staff's hope to get comments back before the public hearing. The Planning Commission indicated during the Study Session meeting that it may be advantageous to close the eastern access to the site along 3500 South.

The property on the South, East, and West sides of McDonald's located at 3464 West 3500 South are zoned C-2 and are designated General Commercial or Medium Density under the General Plan. The North side of 3464

West 3500 South is zoned Single Family Residential and is designated Low Density Residential under the General Plan. As McDonald's is an existing use on the property and there are no proposed alterations to the building, staff does not see this use adversely affecting neighbors or neighboring zones.

### **Recommendations/ Staff Alternatives**

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- Approval subject to any issues raised at the public hearing as well as the following conditions:
  1. That the site plan be developed per the approved plan.
  2. That the applicant shall meet all City Ordinances and requirements for all West Valley City Departments and UDOT.
  3. That a landscape plan be submitted by the applicant, and reviewed by the Planning Commission in a study session, that is in accordance with the West Valley City Code. Any areas that are less than 8' in width shall be landscaped with a minimum of 50% live plant material and shall not include turf or sod.
  4. That if any modifications are made to the pole sign, that the pole sign be removed from the property per the West Valley City Sign Ordinance.
  5. That the driveways be adequately marked for drivers showing ingress and egress for the site, to eliminate any potential confusion or accidents.
- Continuance, for resolution of any issues that may arise at the public hearing.
- Denial of Conditional Use Amendment for new site layout

### **Attachments**

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- Site Plan
- Vicinity Map